

Securities and Exchange Commission

Part 201, Subpt. E, Table I

SOURCE: 61 FR 57774, Nov. 8, 1996, unless otherwise noted.

§ 201.1001 Adjustment of civil monetary penalties—1996.

As required by the Debt Collection Improvement Act of 1996, the maximum amounts of all civil monetary penalties under the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 are adjusted for inflation in accordance with Table I to this subpart. The adjustments set forth in Table I apply to violations occurring after December 9, 1996 and before February 2, 2001.

[66 FR 8762, Feb. 2, 2001]

§ 201.1002 Adjustment of civil monetary penalties—2001.

As required by the Debt Collection Improvement Act of 1996, the maximum amounts of all civil monetary penalties under the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 are adjusted for inflation in accordance with Table II to this subpart. The adjustments set forth in Table II apply to violations occurring after February 2, 2001.

[66 FR 8762, Feb. 2, 2001]

TABLE 1 TO SUBPART E—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. code citation	Civil monetary penalty description	Year penalty amount was last set by law	Original statutory maximum penalty amount	Adjusted maximum penalty amount
SECURITIES AND EXCHANGE COMMISSION: 15 USC 77t(d)	FOR NATURAL PERSON	1990	\$5,000	\$5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000
	15 USC 78ff(b) EXCHANGE ACT/FAILURE TO FILE INFORMATION DOCUMENTS, REPORTS.	1936	100	110
	15 USC 78ff(c)(1)(B). FOREIGN CORRUPT PRACTICES—ANY ISSUER	1988	10,000	11,000
	15 USC 78ff(c)(2)(C). FOREIGN CORRUPT PRACTICES—ANY AGENT OR STOCKHOLDER ACTING ON BEHALF OF ISSUER.	1988	10,000	11,000
	15 USC 78u-1(a)(3). INSIDER TRADING—CONTROLLING PERSONS	1988	1,000,000	1,100,000
	15 USC 78u-2 FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF.	1990	100,000	110,000
	FOR ANY OTHER PERSONS/SUBSTANTIAL LOSSES TO OTHERS/GAIN TO SELF.	1990	500,000	550,000
	15 USC 78u(d)(3). FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
15 USC 80a-9(d).	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAINS TO SELF.	1990	100,000	110,000

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U.S. code citation	Civil monetary penalty description	Year penalty amount was last set by law	Original statutory maximum penalty amount	Adjusted maximum penalty amount
15 USC 80a–41(e).	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHER/GAINS TO SELF.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
15 USC 80b–3(i).	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
15 USC 80b–9(e).	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAIN TO SELF.	1990	100,000	110,000
	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES TO OTHERS/GAIN TO SELF.	1990	500,000	550,000
	FOR NATURAL PERSON	1990	5,000	5,500
	FOR ANY OTHER PERSON	1990	50,000	55,000
	FOR NATURAL PERSON/FRAUD	1990	50,000	55,000
	FOR ANY OTHER PERSON/FRAUD	1990	250,000	275,000
	FOR NATURAL PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	100,000	110,000
	FOR ANY OTHER PERSON/SUBSTANTIAL LOSSES OR RISK OF LOSSES TO OTHERS.	1990	500,000	550,000

TABLE II TO SUBPART E—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	Year penalty amount was last adjusted	Maximum penalty amount pursuant to 1996 adjustment	Adjusted maximum penalty amount
Securities and Exchange Commission:				
15 USC 77(d)	For natural person	1996	\$5,500	\$6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses or risk of losses to others.	1996	110,000	120,000
15 USC 78ff(b)	For any other person/substantial losses or risk of losses to others.	1996	550,000	600,000
	Exchange Act/failure to file information documents, reports.	1996	110	110
15 USC 78ff(c)(1)(B)	Foreign Corrupt Practices—any issuer	1996	11,000	11,000
15 USC 78ff(c)(2)(C)	Foreign Corrupt Practices—any agent or stockholder acting on behalf of issuer.	1996	11,000	11,000
15 USC 78u–1(a)(3)	Insider Trading—controlling person	1996	1,100,000	1,200,000
15 USC 78u–2	For natural person	1996	5,500	6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses to others/gains to self.	1996	110,000	120,000
15 USC 78u(d)(3)	For any other person/substantial losses to others/gain to self.	1996	550,000	600,000
	For natural person	1996	5,500	6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses or risk of losses to others.	1996	110,000	120,000
	For any other person/substantial losses or risk of losses to others.	1996	550,000	600,000

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TABLE II TO SUBPART E—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	Year penalty amount was last adjusted	Maximum penalty amount pursuant to 1996 adjustment	Adjusted maximum penalty amount
15 USC 80a-9(d)	For natural person	1996	5,500	\$6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses to others/gains to self.	1996	110,000	120,000
	For any other person/substantial losses to others/gain to self.	1996	550,000	600,000
15 USC 80a-41(e)	For natural person	1996	5,500	6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses or risk of losses to others.	1996	110,000	120,000
	For any other person/substantial losses or risk of losses to others.	1996	550,000	600,000
15 USC 80b-3(i)	For natural person	1996	5,500	6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses to others/gains to self.	1996	110,000	120,000
	For any other person/substantial losses to others/gain to self.	1996	550,000	600,000
15 USC 80b-9(e)	For natural person	1996	5,500	6,500
	For any other person	1996	55,000	60,000
	For natural person/fraud	1996	55,000	60,000
	For any other person/fraud	1996	275,000	300,000
	For natural person/substantial losses or risk of losses to others.	1996	110,000	120,000
	For any other person/substantial losses or risk of losses to others.	1996	550,000	600,000

[66 FR 8762, Feb. 2, 2001]

PART 202—INFORMAL AND OTHER PROCEDURES

Sec.

202.1 General.

202.2 Pre-filing assistance and interpretative advice.

202.3 Processing of filings.

202.3a Instructions for filing fees.

202.4 Facilitating administrative hearings.

202.5 Enforcement activities.

202.6 Adoption, revision and rescission of rules and regulations of general application.

202.7 Submittals.

202.8 Small entity compliance guides.

202.9 Small entity enforcement penalty reduction policy.

AUTHORITY: 15 U.S.C. 77s, 77t, 78d-1, 78u, 78w, 78ll(d), 79r, 79t, 77sss, 77uuu, 80a-37, 80a-41, 80b-9, and 80b-11, unless otherwise noted.

Section 202.5 is also issued under sec. 20, 48 Stat. 86, sec. 21, 48 Stat. 899, sec. 18, 49 Stat. 831, sec. 321, 53 Stat. 1174, sec. 1, 76 Stat. 394,

15 U.S.C. 77t, 78u, 79r, 77uuu, 80a-41, 80b-9, 78d-1.

Section 202.9 is also issued under section 223, 110 Stat. 859 (Mar. 29, 1996).9

SOURCE: 25 FR 6736, July 15, 1960, unless otherwise noted.

§ 202.1 General.

(a) The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as registration statements, periodic and ownership reports, and proxy solicitation material, and for the filing of certain plans of reorganization, applications and declarations seeking Commission approvals; (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for the investigation and examination of persons and records where necessary to carry out the purposes of the statutes and for enforcement of statutory provisions; and (4) for the adoption of rules